

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 28 MAR 2006

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Applicant's or agent's file reference 031366PC	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/AU2004/001697	International filing date (day/month/year) 2 December 2004	Priority date (day/month/year) 2 December 2003
International Patent Classification (IPC) or national classification and IPC Int. Cl. <i>E06B 9/24</i> (2006.01) <i>E06B 9/01</i> (2006.01) <i>E06B 9/52</i> (2006.01)		
Applicant BRADNAM'S WINDOWS AND DOORS PTY LTD et al		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of 3 sheets, including this cover sheet.	
3. This report is also accompanied by ANNEXES, comprising:	
a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of 2 sheets, as follows:	
<input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).	
<input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.	
b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4. This report contains indications relating to the following items:	
<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application

Date of submission of the demand 6 June 2005	Date of completion of this report 16 March 2006
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer S. GHOSH Telephone No. (02) 6283 2163

Box No. I Basis of the report

1. With regard to the language, this report is based on:
- ☒ The international application in the language in which it was filed
- ☐ A translation of the international application into _____, which is the language of a
- ☐ international search (under Rules 12.3(a) and 23.1 (b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-7 as originally filed/furnished
- pages* received by this Authority on with the letter of
- pages* received by this Authority on with the letter of
- ☒ the claims:
- pages as originally filed/furnished
- pages* 9 as amended (together with any statement – page 10) under Article 19
- pages* received by this Authority on with the letter of
- pages* received by this Authority on with the letter of
- ☒ the drawings:
- pages 1 as originally filed/furnished
- pages* received by this Authority on with the letter of
- pages* received by this Authority on with the letter of
- ☐ a sequence listing and/or any related table(s). - see Supplemental Box Relating to Sequence Listing.
3. ☒ The amendments have resulted in the cancellation of:
- ☐ the description, pages
- ☒ the claims, page 8
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to the sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to the sequence listing (*specify*):

* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-9	YES
	Claims	NO
Inventive step (IS)	Claims	YES
	Claims 1-9	NO
Industrial applicability (IA)	Claims 1-9	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

The following documents identified in the International Search Report have been considered for the purposes of this opinion:

D1 - AU 96060/98
D2 - AU 53459/00
D3 - AU 91328/01
D4 - AU 70345/94
D5 - AU 26031/84
D6 - US 4396685

Novelty (N) Claims 1-9

None of the cited documents disclose all the features of claims 1-9.

Therefore the subject matter of these claims is new and meets the requirements of Article 33(2) PCT with regard to novelty.

Inventive Step (IS) Claims 1-9

None of the documents specifically disclose all the features of claims 1-9.

However I consider that the claims lack an inventive step in the light of document D4 (in particular claims 1-3), which discloses a panel member and frame (see Fig 10) with a cavity having a pair of opposed spaced apart sidewalls, and at least one sidewall containing a projection (Item 115) extending into the cavity. The recess on the peripheral edge of the panel is not disclosed, however if the profile of the frame and the peripheral edge of the panel were to match, then the panel must have a recess to accommodate the projection.

A person skilled in the art would directly and without difficulty by routine steps, arrive at a solution that is the same as the claimed solution, and therefore the claimed invention lacks an inventive step.

Therefore the subject matter of these claims is obvious and does not meet the requirements of Article 33(3) PCT with regard inventive step.

Industrial Applicability (IA)

The invention defined in the claims is considered to meet the requirements of Industrial Applicability under Article 33(4) of the PCT because it can be made by, or used in, industry.

AMENDED CLAIMS

[received by the International Bureau on 04 April 2005 (04.04.05);
original claims 1 and 8 amended, remaining claims unchanged]

+STATEMENT

1. A security panel for a window or door, the panel comprising a frame and a substantially rigid panel member, the panel member having a peripheral edge which passes into a cavity in the frame, the cavity having a pair of opposed spaced apart sidewalls, at least one sidewall containing a projection extending therefrom and into the cavity and the peripheral edge containing a recess which passes into the projection when the panel member is in the cavity, thereby preventing removal of the panel member from the frame.
2. The panel of claim 1, wherein the frame comprises at least one elongate member formed with at least one cavity into which an edge of the panel member passes.
3. The panel of claim 2, wherein the cavity comprises an open channel which extends at least partially along the elongate member.
4. The panel of claim 3, wherein the panel member comprises a metal grid structure.
5. The panel of claim 4, wherein the peripheral edge of the panel member comprises end parts of the metal grid structure.
6. The panel of claim 5, wherein at least some of the end parts are provided with the recess.
7. The panel of claim 6, wherein all the end parts are provided with the recess and the recesses are in linear alignment.
8. The panel of claim 6, wherein the cavity in the frame is provided with an integrally formed longitudinal projection that passes into the recess on the panel member to prevent the panel member from being pulled out of the cavity.
9. The panel of claim 8, wherein the cavity comprises an elongate channel which contains the projection.

Statement under Article 19(1).

Claim 1 has been amended to restrict the panel member (the mesh) as being substantially rigid. Thus, the panel member may comprise a substantially rigid aluminium gridlike panel member. Importantly, claim 1 therefore disclaims the panel member (mesh) being made of flexible mesh material.

Many of the citations describe flexible mesh material typically made of woven stainless steel wires. Because of this, the mesh material cannot comprise a peripheral edge containing a recess. Moreover, because of the flexible nature of the mesh material, it is not possible to lock the mesh material into the surround frame (frame) by providing a cavity in the frame and having a projection extending from a side wall in the cavity which engages into a recess in the edge of the mesh. Instead, various plugs or stoppers are required to wedge the flexible material into a cavity.

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